

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8577 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and
MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

R B CONSTRUCTION COMPANY

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioners
MR AKSHAY H MEHTA for Respondents.

CORAM : MR.JUSTICE J.N.BHATT and
MR.JUSTICE H.K.RATHOD

Date of decision: 01/11/1999

ORAL JUDGEMENT (Per J.N.Bhatt, J.)

Rule, service of which is waived by learned counsel Mr Akshay Mehta for the respondents. Upon joint request, the matter is taken up for final hearing today itself.

After having considered the tenor of the impugned order and considering the facts and circumstances, this

petition squarely attracts the ratio propounded by this Court in Special Civil Application No.2332/99 and various other such petitions.

Learned counsel for the petitioners is, therefore, right in his submission that the authority concerned must apply its mind and pass speaking order. In the circumstances, without entering into the larger question or merits of any other issue, on the sole ground of impugned order being non-speaking one, the petition is required to be allowed.

We, therefore, quash and set aside the impugned order recorded by the respondent No.2 and direct him to rehear the application for stay presented by the petitioners and pass appropriate order in accordance with law within a period of six weeks from the date of receipt of writ of this order. In the meantime, no coercive action, obviously, shall be taken pursuant to the order which we have quashed. Rule is made absolute to that extent.

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(vjn)